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October 21, 1988

Donald A. Normandeau, Ph.D.
Executive Director
Fish and Game Department
2 Hazen Drive
Concord, New Hampshire 03301

JAN 10 1989

Dear Dr. Normandeau:

By letter dated September 21, 1988, you requested this office's advice relative to the extent of the Department's authority to change its present administrative practice in issuing crossbow permits under RSA 207:10-C. This statute authorizes the Department of Fish and Game to issue a crossbow permit to a person who is "so physically impaired that he has lost one or more hands and cannot operate a conventional longbow or compound bow." Historically, the Department's practice has been to issue crossbow permits only to physically disabled persons who have had one or both hands amputated.

While the Department's present interpretation appears to accord with the language of the statute, the statute could also be interpreted to allow the issuance of a crossbow permit to a person who, as you described in your memo, has lost the use of one or both hands totally and permanently and is unable to operate a conventional bow. However, if the department were to change its present administrative practice with regard to the issuance of crossbow permits we recommend that the change be implemented through a rulemaking procedure.

We trust that this memorandum is responsive to your inquiry. Please do not hesitate to call should you require additional assistance.

Sincerely,

Leslie J. Lüdtke
Assistant Attorney General

LJL/rbg
#O-88-051